Remarks

The following remarks are responsive to the Office Action of February 12, 2008.

At the time of the Office Action, claims 1-5, 9-18, 20 and 22-31 were pending. Claims 1-3, 5, 9-11, 13-17, 20, 22-24, 26 and 28-30 were rejected under 35 U.S.C. §102(b) as anticipated by Murthy et al. (U.S. Patent No. 5,610,905). In addition, claims 12 and 25 were rejected under 35 U.S.C. §103(a) as obvious over Murthy et al. and further in view of Goetz et al. (U.S. Patent No. 5,928,330). Claims 27 and 31 were rejected under 35 U.S.C. §103(a) as obvious over Murthy et al. and further in view of Datta et al. (U.S. Patent Application Publication No. 2001/0047409). Claims 1-5, 9-18, 20 and 22-28 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 4 and 18 were indicated as allowable if rewritten to overcome the indefiniteness rejection.

These rejections are respectfully traversed. However, Applicants appreciated the Examiner's indication of allowable subject matter in claims 4 and 18.

Concerning the 35 U.S.C. 112, second paragraph, rejection, Applicants respectfully submit that it is clear from the wording of the claims that each of the routers includes a routing unit and a control unit having the recited connections. Nevertheless, to advance prosecution, independent claims 1 and 14 are being amended for clarification purposes. Applicants do not intend for these amendments to narrow the scope of the claims. In view of these amendments, Applicants respectfully request that the Examiner withdraw this rejection.

Turning now to the art-based rejections, Applicants respectfully submit that the claimed embodiments of the present invention employ a particular router architecture where at least some of the routers 2 of the communication network are internally divided into two units. An example of this architecture is described on page 9, line 14 to page 10, line 28 of the English translation of the corresponding international application WO 03/061201 that was filed with the present U.S. patent application. The first one of these units, called a routing unit 2a, operates to forward packets from one entrance port to one exit port of this routing

unit. This operation is performed for a huge number of packets in a manner where it is not disturbed by any additional task to be carried out by the routing unit 2a. The router 2 also comprises a control unit 2b, which is dedicated to the programming of the routing unit 2a and any other task relating to the control of the network operation. The routing unit and the control unit in the example described in the present application are connected to each other by a port internal to the router, so that the routing unit forwards a packet intended to the control unit via the internal port.

The clamed embodiments of the present invention thus provide monitoring of the network operations, by collecting the packets that are intended for the control unit (see, for example, page 10, line 30 to page 12, line 2 of the English translation of WO 03/062101). Hence, the claimed embodiments of the present invention can provide sufficient monitoring of the operations of at least part of the network based on merely the packets that are intended for the control unit of the router.

In addition, the claimed embodiments of the present invention connect a packet collecting module to the port internal to the router. Applicants submit that these features are recited at least in the independent claims of the present application. This connection enables packet selection, thus making it possible to collect packets that may be useful for monitoring the network operation. The data packets pertaining to customer/user applications can thus be automatically excluded from the packet collection. This arrangement thus provides important advantages that can be achieved by the claimed embodiments of the present invention, such as the ability to carry out packet selection with a packet processing speed similar to the packet forwarding speed that is achieved by the routing unit, while avoiding overload of the collecting unit, selecting means and recording unit.

In the 35 U.S.C. §102(b) rejection, the Examiner contends that Murthy teaches every feature recited in claims 1-3, 5, 9-11, 13-17, 20, 22-24, 26 and 28-30. Applicants respectfully disagree.

As described in Murthy, the supervisory access terminal 12 in Figure 1 is a unit which is external to the bridge, which the Examiner interprets as corresponding to a router. As described in column 4, lines 56-63 of Murthy, the supervisory access terminal 12 may be connected or not connected to the bridge depending on the supervision desired. Therefore, Applicants respectfully submit that the supervisory access terminal 12 cannot reasonably be interpreted as a router control unit which one skilled in the art would have understood to be essential for the router operation. Indeed, the bridge can operate without the supervisory access terminal, whereas the router cannot operate without the router control unit.

In addition, it is understood that the Examiner is interpreting the monitoring device 9 as corresponding to the packet collecting unit of the present invention. However, Applicants respectfully note that Figure 1 of Murthy illustrates that port 4 of the bridge, to which the monitoring device 9 is connected, is external to the bridge. Indeed, the port 4 may connect the bridge to other network elements that are outside the bridge. On the contrary, the collecting unit is connected to an internal port of the router in the claimed embodiments of present invention. Therefore, the connection of the monitoring device according to Murthy does not provide the advantages achieved by the claimed embodiments of the present invention as discussed above, including packet selection.

For at least these reasons, Applicants submit that the overall organization of the components of the Murthy system is different from that of the embodiments of the present invention even as recited in the independent claims. Hence, Applicants submit that Murthy does not anticipate the embodiments of the present invention even as recited in the independent claims. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection.

Concerning the 35 U.S.C. §103(a) rejections, Goetz is being cited as allegedly teaching a packet descriptor which the Examiner contends corresponds to the timestamp recited in claims 12 and 25, and Datta is being cited as allegedly teaching the simulation recited in dependent claims 27 and 31. Applicants respectfully submit, however, that the

Goetz and Datta patents fail to teach or suggest the arrangement of the embodiments of the present invention even as recited in the independent claims. Hence, Goetz and Datta fail to make up for the deficiencies in the teachings of Murthy to have rendered obvious even the embodiments recited in the independent claims. Accordingly, all claims should be allowable.

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

/brian c. rupp/

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